

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MARK A. COWART,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
VS.	)	
	)	3:10-CV-1800-G (BN)
FNU ERWIN, ET AL.,	)	
	)	
Defendants.	)	

**ORDER**

The United States Magistrate Judge made findings, conclusions, and recommendations in this case. Plaintiff filed objections, and the district court has made a *de novo* review of those portions of the proposed findings, conclusions, and recommendation to which objection was made. The objections are overruled, and the court **ACCEPTS** the findings, conclusions and recommendations of the United States Magistrate Judge.

Defendants' motion for summary judgment (docket entry 86) is **DENIED**. This case is **RECOMMITTED** to Magistrate Judge David L. Horan for pretrial management, including resolution of the factual disputes regarding defendants' PLRA

exhaustion defense, including through an evidentiary hearing if necessary, as required by Fifth Circuit precedent. See *Dillon v. Rogers*, 596 F.3d 260, 273 (5th Cir. 2010).

**SO ORDERED.**

August 2, 2013.

  
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A. JOE FISH  
Senior United States District Judge